

Background/context for discussion of land use in Garrett Park

Houses began to be erected in Garrett Park beginning in the 1880's, before the incorporation of the Town as an independent municipality in 1898. Lot size and configuration were influenced by street pattern, topography, and sales promotion factors of the developers of Garrett Park. In the mid-1920's the Town adopted a 10-foot side yard setback requirement.

In 1939, the Regional District Act was passed by the Maryland legislature. Among other things, the Act placed all zoning and planning for most of Montgomery and Prince Georges Counties in a regional authority – the Maryland-National Capital Park and Planning Commission. Zoning authority for Montgomery County was lodged in the County Council and zoning power in most Montgomery County small towns was effectively extinguished.

Zoning changes between 1928 and 1964 resulted in a welter of standards governing lots in Garrett Park. In the late 1980's and early 1990's, concern arose in Garrett Park over loss of open space and specifically the potential size of buildings on so-called "A" lots, which comprised the majority of lots in town, were grandfathered from prior zoning, and did not have a lot area coverage restriction. At the same time, the County was considering revisions to the North Bethesda/Garrett Park Master Plan. In that context, a number of options were considered to preserve the historic character of Garrett Park. The Garrett Park Historic District, which contains a representative sampling of Victorian and Chevy Houses, was established at that time and a few individual structures were designated as historic landmarks. The Town also sought advice from the County Planning Commission staff to explore ways to preserve the relatively open character of the built environment in Garrett Park.

The Planning Commission staff suggested an "overlay zone" for Garrett Park. The idea of an overlay zone came from a commercial model – the Wheaton Retail Preservation Overlay Zone, which was enacted in 1990. An overlay zone "overlays" basic Montgomery County zoning; that is, the provisions are superimposed upon, but do not replace, county zoning requirements. Working with the County Planning Commission staff, Garrett Park developed the first residential overlay zone in Montgomery County; it is intended to help maintain the historic character and scale of Garrett Park through the preservation of open space. The overlay zone was adopted in 1992. See

http://www.montgomeryplanning.org/viewer.shtm#http://www.montgomeryplanning.org/community/plan_areas/bethesda_chevy_chase/master_plans/north_bethesda/land_nbeth-gar.pdf starting at page 53.

In 1992, Montgomery County municipalities, including Garrett Park, regained a small degree of zoning control (which had been lost with passage of the 1939 Regional District Act) when the Maryland legislature granted authority to regulate setbacks. The Garrett Park Overlay Zone was wending its way through the lengthy County approval process with no assurance of its ultimate

outcome, so Garrett Park enacted its own parallel setback provisions under the limited 1992 grant of zoning authority by the state.

One requirement of the state's 1992 grant of limited zoning authority to municipalities was that they also establish a procedure for relief from the strict application of zoning requirements; Garrett Park thus adopted a procedure for variances at the same time it established setback requirements consistent with the then-pending county overlay zone.

In 2006, the short list of subjects over which municipalities could exercise zoning control was expanded by the Maryland legislature. Under that 2006 authority, in 2008 Garrett Park enacted a provision governing lot area coverage, replacing a substantively identical 1992 Town law that had been found legally deficient.

The 2006 expansion of zoning authority, together with a sense that it was time for a comprehensive review of the Town's land use regulation, led to the establishment of the Land Use Task Force in January 2009.